

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of  
Streamlining the Commission's  
Antenna Structure Clearance  
Procedure

and

Revision of Part 17 of the  
Commission's Rules Concerning  
Construction, Marking and  
Lighting of Antenna Structures

WT Docket No. 95-5

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To: The Commission

**COMMENTS OF PAGING NETWORK, INC.**

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## **SUMMARY**

PageNet supports the creation a single database containing antenna structures requiring Federal Aviation Administration ("FAA") notification. PageNet also supports making tower owners responsible for the proper painting and lighting of antenna structures and for the registration of such structures with the FCC. Since a non-owner licensee has no control over a structure or the owner's maintenance or modification of the antenna structure, making the owner responsible for compliance with the requirements of Part 17 places the responsibility of antenna structures that are potential hazards to air navigation where it belongs.

The Commission's objectives in implementing the registration process should be: (1) to expedite antenna structure registration; (2) to regulate the flow of registrations to a manageable level; and (3) to establish a mechanism whereby applicants for station authorizations can definitively determine which structures must be registered. To achieve these objectives, tower owners should be initially required to register by regions.

Tower owners that voluntarily paint and/or light should be allowed to voluntarily register their structure. However, no mandatory registration requirement for voluntarily lit or marked towers should be imposed.

The database created by the proposed new rules must include information that comprehensively and uniquely identifies each antenna structure requiring FAA notification and must be readily available to the public. Real-time access to the tower

database should be free and unrestricted. In addition, a hard copy of the database should be made available through the Commission's copy contractor on a quarterly basis.

Electronic registration should be implemented as an alternative to the paper registration process. Registration renewals should occur at five (5) year intervals. The Commission should automatically generate the Form 854 renewal form and forward it to the owner for timely renewal.

If a registration fee is assessed against the registrant, that fee should reflect the minimal nature of the required processing of the FCC Form 854.

Since requiring every antenna site to be registered would be enormously burdensome on the FCC, without sufficient counter-vailing public benefit, antenna site registration should be required only for antenna sites that require FAA notification.

Consideration of radio frequency radiation and other environmental concerns are misplaced in the context of antenna structure registration procedures that have their origin in the FAA notification process and concerns about safety of air navigation and should not be evaluated in this proceeding.

Tower owners should be required to take reasonable steps to ensure their coordinates and tower heights are accurate. Such steps should include verification of location and height by more than one determination method and, if warranted, professional surveys of the tower and site.

## TABLE OF CONTENTS

I. INTRODUCTION .....	2
A. Statement of Interest .....	2
B. Summary of the <u>Notice</u> and PageNet's Position .....	3
II. DISCUSSION .....	5
A. The Commission's Proposal Properly Locates Responsibility and Accountability for Antenna Structure Clearances with the Structure Owner .....	5
B. The Revised Structure Clearance and Proposed Registration Process Must Insure that Sanctions are Levied More Equitably on Responsible Parties .....	7
C. The Proposed Rules will Simplify Certain Business Transactions .....	9
D. Implementation of the New Antenna Registration Rules Should Be Achieved As Expeditiously As Possible .....	10
E. The Commission's Underlying Objectives in This Proceeding Must be Advanced in Resolving Ancillary Issues Related to the Proposed New Rules .....	12
1. Registration of voluntarily marked and/or lighted structures .....	12
2. Content of and access to the tower database .....	14
3. Electronic registration .....	15
4. Registration renewal requirement .....	16
5. Tower registration fee .....	16
6. Registration of <u>ALL</u> antenna structures .....	17
7. Notice to tower owners prior to issuance of a forfeiture .....	18
8. Changes to the Commission's environmental rules .....	19
9. Location in degrees, minutes and seconds; height in meters .....	20
F. Section 17.4 Must be Clarified to Reflect the Commission's Intention to Utilize the FCC Form 854 in Its Consideration of Possible Hazards to Air Navigation From Antenna Structures .....	21
III. CONCLUSION .....	22

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To: The Commission

**COMMENTS OF PAGING NETWORK, INC.**

Paging Network, Inc. ("PageNet"), by its attorneys, and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, hereby comments on the proposals set forth in the above-captioned Notice of Proposed Rule Making (hereinafter "NPRM" or "Notice"), WT Docket 95-5, 60 Fed. Reg. 8618, \_\_ FCC Rcd \_\_ (1995). In this proceeding, the Commission proposes streamlined antenna structure clearance procedures and a uniform registration process for structure owners. The proposed rules would, *inter alia*, make tower owners primarily responsible for compliance with FAA and FCC requirements as to antenna structures that require painting and lighting. The Notice further proposes revisions to Part 17 of the Commission's rules to incorporate by reference the FAA's lighting and marking recommendations as contained in various FAA publications. Specifically the FCC would eliminate painting

and lighting specifications from Part 17 and, thereby, the need to amend Part 17 each time the FAA modifies its recommendations. Finally, the Notice requests industry comment on specific features of the antenna structure registration process, such as its breadth and scope, the manner in which it is to be accomplished and the type and extent of public access to the resulting data base.

## **I. INTRODUCTION**

### **A. Statement of Interest**

PageNet is the largest paging company in the United States, providing radio common carrier ("RCC") paging and private carrier paging ("PCP") service to over 3 million subscribers. PageNet holds well over 60 RCC licenses and more than 600 PCP licenses, representing over 2300 transmitters and over 750 individual antenna sites nationwide. Moreover, PageNet adds additional transmitters and antenna sites each month to support its existing system as well as to expand into new markets.

PageNet is also the licensee of three nationwide narrowband PCS channels over which it intends to offer VoiceNow™, its advanced paging service, which allows subscribers to receive voice messages in their pager without sacrificing system capacity or spectrum efficiency. The buildout of these nationwide PCS systems will require construction of as many as 100 additional antennas a month, beginning shortly and continuing for a period of a year or more.

The issue of antenna structure clearances is critical to PageNet. Delays inherent in the Commission's current clearance

procedures often pose a very real problem to PageNet in its efforts to provide service to existing customers in the most efficient and timely manner and could hamper its ability to rapidly build out new advanced paging systems like VoiceNow™.

**B. Summary of the Notice and PageNet's Position**

The Commission initiated this proceeding to seek comments on new antenna structure registration proposals designed to streamline the regulatory process, reduce paperwork, cut costs to industry and the government, speed application processing, improve safety in air navigation, speed resolution of interference complaints, and, specifically, make antenna structure owners, rather than individual licensees, primarily responsible for compliance with FCC painting and lighting specifications. The Commission estimates a 12 to 1 reduction in the number of filings relating to changes in antenna structure painting and lighting.

The Commission has requested comments on specific rule changes to Parts 0, 1, 17, 21, 22, 23, 25, 73, 78, 80, 87, 90, 94, 95 and 97 of the rules. PageNet will limit its comments herein to those rules directly pertinent to the services for which it is licensed, specifically, Parts 1, 17, 21, 22, 90 and 94. The Commission also asks commenters to address a list of ancillary proposals and questions that are not reflected in the proposed rules. PageNet's comments treat each such inquiry in sequence, in Section II.E.

PageNet enthusiastically supports the Commission's proposal to develop a single data base containing antenna

structures having lighting and marking requirements, to require that all such structures be registered with the FCC and to rest the responsibility for FAA clearance requests and FCC registrations with the structure owners.

PageNet supports the efficiency-enhancing, deregulatory essence of the Commission's proposal in reducing paperwork for the industry and the government, speeding application processing, avoiding inconsistencies inherent in multiple databases and within single databases, centralizing antenna structure information, and generally simplifying the antenna clearance process. As discussed in further detail below, certain specific rule proposals require clarification to avoid confusion and misunderstanding.

As to the additional questions enumerated at ¶ 16 of the Notice, PageNet supports those proposals that advance the Commission's overall objective in this proceeding to streamline the Commission's processes, reduce paperwork, cost and redundancy, and maximize efficiency of information gathering and utilization. Proposals that would frustrate the achievement of those objectives by vastly and unnecessarily increasing the level of regulatory involvement, information processing and economic burden, such as requiring registration of all antenna structures, regardless of location or height, or requiring owners that voluntarily paint and/or light their structures, although not required by the FAA to do so, to register their structures, PageNet strongly opposes.



## II. DISCUSSION

### A. The Commission's Proposal Properly Locates Responsibility and Accountability for Antenna Structure Clearances with the Structure Owner.

Antenna structure owners are uniquely possessed of necessary and current information concerning construction and modification of their structures.<sup>1</sup> Such owners, rather than non-owner licensees, are positioned to know when and whether an antenna structure is proposed to be constructed or modified in a manner requiring FAA review.<sup>2</sup> Creation of a single database containing information supplied by a single entity as to each antenna structure will assure far greater reliability of the data.

Over its history of filing thousands of applications for new and modified paging facilities, PageNet has on numerous occasions experienced the costs and delays associated with the Commission's current structure clearance process. Despite all attempts to obtain accurate, current information regarding a proposed antenna site, PageNet has many times been required to obtain and submit revised FAA clearances before receiving a grant

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<sup>1</sup> The term "owner" is used throughout these comments, as in the Notice, to mean both the actual owner or an entity designated by the owner to maintain the antenna structure in accordance with the rules.

<sup>2</sup> "Antenna structure," as used herein, refers to ground-based towers, poles, silos, watertanks, etc., as well as buildings having antennas or support structures on them that extend more than 20 feet above the building. Such structures require FAA notification whenever the overall height above ground of the structure and any appurtenances mounted thereon exceeds 200 feet. See § 17.7.

of an application.<sup>3</sup> Interim filings by other applicants reflecting changes in the structure can result in inconsistencies prompting the Commission to request further FAA clearances.

Occasionally the authorizations of two different licensees on the same structure will specify different coordinates or overall structure heights. PageNet has in those instances sometimes found it necessary to independently survey the site and refile with the FAA. The economic burden on the company and ultimately its customers, as well as the delay in improved service to the public, caused by these conditions has been considerable.

By centralizing its clearance process both as to how and where information is maintained (i.e. in a single database), and as to the source of such information (i.e., structure owners rather than multiple individual licensees), the Commission's proposed rules will reduce delays, expense and confusion, due to conflicting and/or inaccurate data. PageNet, therefore, strongly supports the Commission's proposed antenna structure registration process set forth in new Section 17.5.

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<sup>3</sup> In preparing an application, PageNet typically consults several sources, including, for example, the ISI database, site managers, other licensees and physical inspections, in attempting to verify the currency and accuracy of information concerning the proposed antenna site. Individual applicants such as PageNet are apt to deal with one of multiple layers of lessors and sublessors in leasing antenna space and rarely are capable of even identifying the tower owner from whom definitive information might be available.

**B. The Revised Structure Clearance and Proposed Registration Process Must Insure that Sanctions are Levied More Equitably on Responsible Parties**

Under the Commission's current rules, information that is unknown and in practical terms unknowable to individual licensees can result in unexpected fines being assessed against such licensees for failure to properly paint or light a structure or for material inaccuracies in site coordinates that could pose a hazard for air navigation. Making the antenna structure owner responsible for compliance with the requirements of Part 17 places the burden in the appropriate locus and PageNet supports this aspect of the proposed rules.

However, PageNet does not fully support the language of proposed Sections 21.111, 22.365, 90.411, 94.111 and other proposed sections, specifying that in the event of default by the owner, each licensee shall be "individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting."<sup>4</sup> Placing the default burden on the licensees is counterproductive to the purpose of this rulemaking and, like the FCC's present requirements, will be extremely burdensome on the licensees.

As an example, the Commission should consider the impact of this default provision on licensee X who places its antenna on a tower which at the time is deemed not to require obstruction painting and lighting. Subsequently, the tower owner increases the height of the tower and the FAA and FCC place obstruction

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<sup>4</sup> See e.g., § 22.365.

painting and lighting requirements on the tower, but the tower owner fails to paint and light the tower. If the FCC were to discover the unpainted and unlit tower, licensee X would be subject to forfeiture even though it had no true notice that painting and lighting requirements had been placed on the tower.

A critically important fact in this context is that no licensee is in a position to paint or light a tower without the tower owner's consent. Therefore, it is an unreasonable requirement that licensees be responsible for painting and lighting on the default by the tower owner, particularly since the painting and lighting requirements will only change by an action of the owner. To relieve non-owner licensees of this strict liability for omissions over which they have no true control, PageNet recommends that the language of the proposed rules provide that, if a painting and lighting violation is discovered by the FCC, upon notice by the FCC of the violation, the licensees at the tower be given a one hundred twenty (120) day period in which to convince the tower owner to conform to the painting and lighting requirements or to move to another tower. As such, if the tower is placed into conformance, or the licensee relocates from the nonconforming tower, within 120 days, the licensee would not be subject to forfeiture. During this 120 day period the owner of the tower should be the only entity subject to forfeiture and if the owner refuses to comply with the painting and lighting

requirements, such refusal should be a valid basis for grant of special temporary authority to relocate facilities.<sup>5</sup>

**C. The Proposed Rules will Simplify Certain Business Transactions**

Carriers who, like PageNet, have undertaken the due diligence associated with the process of acquiring operating paging systems are keenly aware of the importance of verifying that the target licensee is properly complying with all structure marking and lighting requirements at its licensed sites. Under the current rules, the potential liability to an assignee or transferee from acquiring sites that are in non-compliance poses a risk of considerable proportions, which can greatly complicate the transaction. Time constraints inherent in mergers and acquisitions conflict with the delays caused by the need to conduct inspections, surveys and to take corrective measures. Having a single, reliable source of marking and lighting requirements for all applicable structures would greatly simplify the review process and enhance efficient business transactions.

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<sup>5</sup> In the event that there is no available structure on which to relocate, the rules should further provide that licensees may remain on the tower without forfeiture penalty so long as they can demonstrate that they have diligently attempted to address the non-compliance problem by serving written notice of the problem on the owner. Imposing a forfeiture on the non-owner licensee where it has no alternative but to remain on the tower and at the same time is unable to redress the lighting and marking deficiency without the tower owner's permission, is unfair and achieves no public interest objective where the licensee has taken reasonable steps to advise the tower owner of its responsibility to mark and light its structure.

**D. Implementation of the New Antenna Registration Rules Should Be Achieved as Expeditiously As Possible**

The Notice seeks comment on how the antenna registration process should be implemented and cites several alternatives. Two alternatives contemplate dividing antenna structures into groups, either by location or height, and establishing filing windows for registration of the towers in each group. For the reasons explained below, PageNet supports this approach.

Another alternative suggested in the NPRM is to implement registration as part of renewing the operating license of the tenant(s) on the structure. PageNet opposes this approach because it fails to establish a mechanism to control the flow of registration applications into the Commission. The result could be to significantly delay the processing of renewal applications while the Commission catches up to a temporary, unforeseen glut of registration applications. Moreover, with the registration-upon-renewal approach, the structure owner's obligation to register is triggered by the first tenant-licensee needing to renew its license. While a major tenant might easily attract the owner's attention to the need to complete the registration process, another tenant might be less successful, with the result that its renewal would be delayed. Such delays would disrupt the flow of application processing by the Commission and could affect the value of the renewal applicant's business. Finally, this approach fails to assure that the registration process is completed in a reasonable period of time. As the Commission points out in the

Notice, the process, approached in this manner, could take as long as 10 years.

The Commission's objectives in implementing the registration process should be (1) to expedite the registration process, (2) to regulate the flow of registration applications to a manageable level, given the agency's staffing constraints, so as to balance the need to expedite the building of the new database with the need to avoid delays in processing license applications, and (3) to establish a mechanism whereby applicants for station authorizations can definitively determine which structures are required to have completed the registration process at any given point in time.

PageNet recommends that towers be grouped by FCC enforcement region and divided into groups, by height, within those regions. Specifically, within a region, or portion of a region, owners of towers over 200 feet would register as one group; any other support structure having marking and lighting requirements would register as a second group. Finally there could be a window for filing any voluntary registration applications, although these should also be permitted at any time.

By dividing the known antenna structures requiring registration (approximately 70,000 structures) into groups by height and location, the Commission would be able to regulate the flow of registration applications over a predetermined period of time. The Commission's role in building the database is essentially a data entry process. At the rate of 100 entries per day in the database, the process of registering 70,000 structures

would be complete in less than three years. At 300 per day, it would be completed in about 11 months. PageNet supports completion of the process in the shortest period possible.

As the Commission completes the registration of each group of structures, it should by Public Notice inform prospective applicants of the groups thus registered. Thus, prospective licensees and permittees would have a clear indication of those structures for which registration numbers would be required in any application proposing the use of such structures.<sup>6</sup>

**E. The Commission's Underlying Objectives in This Proceeding Must be Advanced in Resolving Ancillary Issues Related to the Proposed New Rules**

The Notice requests comments on nine matters relating to the proposed rules, their scope and the manner in which they are implemented. These will be addressed in order. As noted above, PageNet supports those that simplify and streamline the Commission's antenna structure clearance procedures and opposes those that do not.

**1. Registration of voluntarily marked and/or lighted structures**

With respect to owners that voluntarily paint and/or light their towers, though not pursuant to FAA recommendation or FCC requirement, the Notice seeks comment on the advisability of

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<sup>6</sup> With respect to the requirement to identify proposed antenna structures by their registration numbers in license applications, PageNet submits that as to Form 600, the requirement also to list in Schedule F the call sign and radio service of an existing licensee using the structure is superfluous and burdensome. Form 600 should be revised accordingly, deleting Items F3 and F4.



requiring such structures to be registered. PageNet believes such a requirement would have many more disadvantages than advantages and, therefore, opposes it.

Registration of such voluntarily marked/lighted structures would expand the database, whereby prospective applicants could identify existing towers in any given area. With the information the list will provide regarding the tower owner's identity, along with address and telephone number, a prospective applicant will be helped in identifying possible sites on which to locate an antenna and the means for contacting the owner. In this regard, a larger database is of greater help. However, although the assistance would be of marginal benefit to established carriers and licensees, it could represent an even greater aid to speculators and application mills. PageNet opposes this result.

An owner that voluntarily lights/marks its tower should have the option of also voluntarily registering the structure. However, PageNet opposes any mandatory registration requirement for voluntarily lit or marked towers. Such a requirement would operate against the deregulatory bent of this proceeding, increase paperwork and administrative costs for the government and for tower owners, their tenants and their tenants' customers. Indeed, by introducing regulation and bureaucracy where it otherwise would not exist, it might in effect discourage voluntary marking/lighting of towers. Finally, mandatory registration raises the possibility of a penalty being assessed where the owner that voluntarily lights or marks its tower then fails to register it. PageNet opposes this bizarre result, as well.

## **2. Content of and access to the tower database**

The database created by the proposed new rules must include information that comprehensively and uniquely identifies each antenna structure requiring FAA notification and must be readily available to the public. As to each structure the information should include the following:

- geographic coordinates (by Reference Datum)
- location by street address or description
- type of structure
- overall height above ground level of the structure, with beacon
- overall height above mean sea level of the structure, with beacon
- overall height above ground of the highest appurtenance extending above the support structure
- FAA study number
- marking and lighting requirements
- whether any special conditions apply
- owner's name, address, telephone and fax number, and
- date of current registration

Real-time access to the database should be free and unrestricted. Different users will undoubtedly have differing requirements as to the currency of the data. The most critical user group consists of potential applicants whose applications must specify data that is up-to-date and accurate. An electronic public reference room consisting of an on-line service of daily

updated tower information, possibly in the nature of an electronic bulletin board in which files could be downloaded or direct on-line access to the database, is required to meet their needs. CD-ROM, while attractive, if available at a reasonable cost, could not be updated frequently enough to accommodate the needs of applicants like PageNet. For applicants such as broadcast licensees or for the press, the academic community or other government agencies requiring less current data, a hard copy of the database should be made available through the Commission's copy contractor on a quarterly basis.

### **3. Electronic registration**

The Notice seeks comment on the advantages/disadvantages of permitting owners to register their towers electronically. PageNet believes electronic registration to be in keeping with this proceeding's simplifying and streamlining objectives and supports it. It would reduce paperwork and decrease turn-around time in the issuing of registrations (Form 854R). The only hardware needed by the tower owner would be a computer and a dial-up modem. The Commission should develop a simple software that may be utilized upon dialing into an FCC computer. A question or information prompt representing each item on the FCC Form 854 would be answered in turn by the tower owner in an on-line fashion. Once the questions were answered, the registrant would be provided an opportunity to verify the information and sign-off. Shortly thereafter, the FCC would forward the FCC Form 854R to the

registrant. For those owners that do not have access to computers with modems, a paper process should be utilized.

#### **4. Registration renewal requirement**

The NPRM asks for comment on whether tower owners should be required to renew their registrations and, if so, at what intervals. PageNet supports renewals at five (5) year intervals. If a registration is modified to reflect changed information in the course of the five (5) year term, the renewal date would be extended to a date five (5) years from the issuance of the revised registration. The advantages of such a requirement in terms of reverifying the continued accuracy of the database are essential in PageNet's view, offsetting the marginal additional paperwork it represents.

To assure that tower owners are alerted to their renewal responsibilities, the Commission should automatically generate the Form 854 renewal form and forward it to the owner for timely renewal. Alternatively, the Commission might send the owner a form by which to certify, if true, that there has been no change in the information currently on file respecting the structure. In the event the owner cannot so certify, it would be directed to submit a Form 854 to modify its registration and thereby obtain a new registration for an additional five (5) years.

#### **5. Tower registration fee**

The Commission also asks for comment on whether a registration fee should be charged to owners to cover the costs of processing the registration applications and providing outside

access to the database. PageNet assumes that such a fee will be assessed and agrees that it is warranted, but only to the extent that it reflects the minimal nature of processing required, since the application effectively presents on the face of one page, combined with an attached FAA clearance notification, all the information to be entered into the database and needed for issuance of the registration (Form 854R).

#### **6. Registration of ALL antenna structures**

The NPRM seeks comment on the advantages and disadvantages of requiring all antenna structures to be registered with the Commission. In the NPRM, the Commission noted that one advantage of a requirement that all antenna sites be registered would be the ability of the Commission to use the tower database in resolving complaints related to radio frequency energy levels. However, this perceived advantage is illusory. In order for the Commission to effectively utilize the database for this purpose, every tower, plus every antenna, would have to be registered to provide a record of each and every antenna at each and every antenna site.

Requiring every antenna site to be registered would swell the number of entries in the FCC tower database from 70,000 entries to 500,000 entries. A majority of the entries would be antenna structures that will never require air hazard painting and lighting and would include numerous structures, such as poles and buildings, whose registration only creates regulatory burden without any benefit to the FCC or to FCC licensees. Furthermore,

if the FCC were to require that every antenna be registered as suggested in the Notice, the number of entries in the FCC tower database would be in the millions. PageNet respectfully submits that the creation of such a monstrosity is not the purpose of a rulemaking to streamline antenna structure clearance. Therefore, because such an undertaking would be enormously burdensome on the FCC, without sufficient countervailing public benefit, PageNet suggests that antenna site registration should be required only for antenna sites that require FAA notification.<sup>7</sup>

**7. Notice to tower owners prior to issuance of a forfeiture**

The Notice asks for comment as to the form of prior notice that would be reasonable to inform owners of their obligation to register, paint and light their structures. The Commission's question suggests, PageNet believes appropriately, that despite their now being subject to forfeiture for violation of FCC marking and lighting requirements, non-licensee tower owners lack any natural nexus with the FCC regulatory process. Therefore such entities may require actual notice of their registration obligations under the proposed rules.

Resolution of this problem may prove difficult and require several concurrent approaches. Since the identity of tower owners is typically unknown to many tenants on the

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<sup>7</sup> Consistent with its views noted above as to voluntarily lit/marked towers, PageNet believes that tower owners wishing to register their towers even though the towers are not subject to any air hazard marking requirements and do not require FAA notification should be allowed to do so on a voluntary basis.

structure, requiring individual licensees to inform owners of their obligation to register their tower is impractical. Tenants do, however, always know the identity of the other party to their lease agreement and could be solicited to notify such party of the need to, in turn, notify the owner or such entity with which it has dealt in regard to the structure, thereby passing notice of the registration requirement up the chain of interested parties to the ultimate owner. Concurrently, of course, there should be publication of the registration requirement in the Federal Register, along with such public information dissemination by news media and trade publications as can be obtained.

As to the actual painting and lighting obligations imposed on tower owners, notice should be provided as an integral part of registering the structure, by being displayed prominently on the tower registration itself. The specific painting and lighting requirements referenced by paragraph number on the face of Form 854R should be printed on the back of the form or in an attachment forwarded with Form 854R to the tower owner.

#### **8. Changes to the Commission's environmental rules**

The Notice asks for comment on whether registration of an antenna structure constitutes a Commission "action" or "undertaking" under the federal environmental laws. PageNet submits that it does not and that consideration of radiofrequency ("rf") radiation and other environmental concerns are misplaced in the context of antenna structure registration procedures that have their origin in the FAA notification process and concerns about

safety of air navigation. The tower registration process as proposed in this proceeding is an improper forum for considering environmental matters and would be vastly complicated by their inclusion. Pertinent information for environmental review may not even be available at the time the structure is registered. As to rf, for example, the level of radiation in proportion to the ANSI standard referenced in Section 1.1305 of the rules may be wholly unknown at the time an owner initially registers the proposed tower construction. Moreover, if rf were considered relevant to the registration process, the addition of each new tenant could require the owner to re-register the structure, vastly increasing paperwork and economic burdens on the owner and its tenants.

**9. Location in degrees, minutes and seconds; height in meters**

In the Notice, the Commission sought comment on the advantages and disadvantages of requiring tower owners to specify the location of their tower to the nearest second and the height of their tower to the nearest meter. PageNet believes that tower owners should be required to register their structures with the most accurate location and height information available. The availability of accurate location and height information is essential to licensees for the purposes of system design, calculation of distance to co-channels, and interference evaluations. Since the Global Positioning System ("GPS") and map plotting may not be reliable in all instances when used by non-experts, the Commission should amend Part 17 to provide that tower owners take reasonable steps to ensure their coordinates are



accurate to the nearest second and that the height of their tower is accurate to the nearest meter. Such steps should include verification of location and height by more than one determination method and, if warranted, professional surveys of the tower and site.

**F. Section 17.4 Must be Clarified to Reflect the Commission's Intention to Utilize The FCC Form 854 in Its Consideration of Possible Hazards to Air Navigation From Antenna Structures**

Proposed Section 17.4 attempts to codify the Commission's consideration of painting and lighting requirements for a proposed antenna structure. If the Commission adopts the proposals specified in the Notice, the evaluation of antenna structures, other than to confirm that the information contained in the application is accurate, will no longer be part of the processing of an application for license. Rather, the consideration of painting and lighting requirements for antenna structures will be done solely in the context of an FCC Form 854 application.

In revising Section 17.4 in conformance with the proposed FCC Form 854 process, the Commission has attempted to graft new language relating to the FCC Form 854 over the old Section 17.4 language, which generally related to an application for station license. The result of this marriage of old and new language is extremely confusing and should be revised and clarified. Therefore, PageNet recommends the clarification of Section 17.4 proposed language and believes the focus of this